

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,)	Case No.: 1:01 CR 454 - 02
)	
Plaintiff)	JUDGE SOLOMON OLIVER, JR.
)	
v.)	
)	
THEODORE CLYDE SHEPARD,)	
)	
Defendant)	<u>ORDER</u>

On April 11, 2012, the above-mentioned case was referred to Magistrate Judge Nancy A. Vecchiarelli, to conduct the appropriate proceedings, except for sentencing, and to prepare a Report and Recommendation regarding the violation report submitted to the court.

On May 3, 2012, the Defendant, represented by Attorney Thomas Shaughnessy, appeared before Magistrate Judge Vecchiarelli for a violation and detention hearing. The Defendant admitted to all violations as charged in the report dated April 9, 2012; to wit, 1) New Law Violation/Conviction for Aggravated Theft, for which the Defendant was sentenced to one year of Community Control Supervision; 2) Association with known felon; 3) Failure to notify the Probation Officer of an arrest within 72 hours as required; and, 4) Drug use, as charged in the supplemental violation report dated 4/26/2012. Magistrate Judge Vecchiarelli issued a Report and Recommendation to this court finding that the Defendant has violated the conditions of his Supervised Release.

The court held a sentencing hearing on June 6, 2012, has reviewed the Magistrate's Report and Recommendation and finds that it is well-supported. The Defendant has admitted to the violations as charged in the April 9, 2012 violation report and the 4/26/2012 supplemental report. As a result, the court finds that the Defendant has violated the terms of his Supervised Release.

The court has considered the factors for sentencing listed in 18 U.S.C. § 3553(a) on the open record and hereby adopts the Magistrate's Report and Recommendation (ECF No. 41). Based on this court's review of all relevant factors, the court hereby orders that the Defendant remain on Supervised Release with the same terms and conditions and the additional conditions of: 1) Mental Health Aftercare; 2) Participate in the Cognitive Behavioral Program; and, 3) Defendant to be considered for the Re-Entry Program. Defendant was advised of his appellant rights.

IT IS SO ORDERED.

/s/SOLOMON OLIVER, JR.
CHIEF JUDGE
UNITED STATES DISTRICT COURT

June 7, 2012